

AMENDED IN SENATE APRIL 25, 2011

AMENDED IN SENATE MARCH 24, 2011

SENATE BILL

No. 871

Introduced by Senator Runner

February 18, 2011

~~An act to amend Sections 45028 and 45032 of the Education Code, relating to teacher salaries. An act to add Section 44021 to the Education Code, relating to school district employees.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 871, as amended, Runner. ~~Teacher salaries. School district employees: compensation.~~

Existing law establishes various requirements with respect to the employment of school district employees, including requirements relating to compensation.

This bill would prohibit salary increases for school district employees in any school year in which a school district reduces its instructional minutes or days to a level below the minutes or days provided in the previous school year. The bill would require that this prohibition only apply for employees within the same job classification. The bill also would require that these provisions not affect any provision in a collective bargaining agreement that was in existence prior to the reduction in instructional minutes or days.

~~Existing law requires that each teacher employed by a school district be classified on a uniform salary schedule based on years of training and years of experience, except if the employer and the exclusive bargaining representative agree otherwise, pursuant to a collective bargaining agreement.~~

~~This bill would prohibit salary increases for teachers in any school year in which the instructional minutes or days are fewer than the minutes or days provided by the school district in the previous school year. The bill would specify that if these provisions are in conflict with a collective bargaining agreement, as provided, these provisions shall take effect upon the expiration of the agreement.~~

~~The bill would also make technical and conforming changes.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 44021 is added to the Education Code,
2 to read:

3 44021. (a) In any school year in which a school district
4 reduces its instructional minutes or days to a level below the
5 minutes or days provided in the previous school year, the school
6 district shall not enter into any contract or agreement that allows
7 for an increase in compensation for any employee of the school
8 district.

9 (b) The prohibition described in subdivision (a) shall only apply
10 to salary increases within the same job classification.

11 (c) This section shall not affect any provision in a collective
12 bargaining agreement that was in existence prior to the reduction
13 in instructional minutes or days described in subdivision (a).

14 SECTION 1. ~~Section 45028 of the Education Code is amended~~
15 to read:

16 45028. (a) (1) Effective July 1, 1970, each person employed
17 by a school district in a position requiring certification
18 qualifications, except a person employed in a position requiring
19 administrative or supervisory credentials, shall be classified on
20 the salary schedule on the basis of uniform allowance for years of
21 training and years of experience, except if a public school employer
22 and the exclusive representative negotiate and mutually agree to
23 a salary schedule based on criteria other than a uniform allowance
24 for years of training and years of experience pursuant to Chapter
25 10.7 (commencing with Section 3540) of Division 4 of Title 1 of
26 the Government Code. Employees shall not be placed in different
27 classifications on the schedule, nor paid different salaries, solely

1 on the basis of the respective grade levels in which these employees
2 serve.

3 ~~(2) The governing board of a school district shall not draw orders~~
4 ~~for the salary of any teacher in violation of this section, and the~~
5 ~~superintendent shall not draw any requisition for the salary of any~~
6 ~~teacher in violation thereof.~~

7 ~~(3) This section shall not apply to teachers of special day and~~
8 ~~evening classes in elementary schools, teachers of special classes~~
9 ~~for elementary pupils, teachers of special day and evening high~~
10 ~~school classes and substitute teachers.~~

11 ~~(b) (1) It is not a violation of the uniformity requirement of this~~
12 ~~section for a school district, with the agreement of the exclusive~~
13 ~~representative of certificated employees, if any, to grant any~~
14 ~~employee hired after a locally specified date differential credit for~~
15 ~~prior years of experience or prior units of credit for purposes of~~
16 ~~initial placement on the salary schedule of the district.~~

17 ~~(2) This subdivision is declaratory of existing law.~~

18 ~~(c) A public school employer and the exclusive representative~~
19 ~~of credentialed teachers may jointly apply to the Superintendent~~
20 ~~for technical assistance and planning grant funding to facilitate~~
21 ~~the planning of a salary schedule for teachers based on criteria in~~
22 ~~addition to years of training and years of experience, as described~~
23 ~~in subdivision (a). The Superintendent may make planning grants~~
24 ~~from funds appropriated for this purpose in the annual Budget Act~~
25 ~~or other legislation.~~

26 ~~(d) To be eligible for grant funding pursuant to subdivision (c);~~
27 ~~the public school employer and the exclusive representative of~~
28 ~~credentialed teachers should consider a salary schedule designed~~
29 ~~to compensate teachers for the additional responsibilities, time,~~
30 ~~and effort required to serve in challenging school settings, and~~
31 ~~reward teachers for professional growth tied to their particular~~
32 ~~assignments.~~

33 ~~(e) Public school employers and exclusive representatives of~~
34 ~~credentialed teachers are encouraged to recognize teacher~~
35 ~~contributions to improving pupil achievement, provide incentives~~
36 ~~to teachers to accept teaching assignments in areas of highest need,~~
37 ~~and recognize relevant professional experience on the salary~~
38 ~~schedule in lieu of units and degrees or in lieu of teaching~~
39 ~~experience.~~

1 ~~(f) In any school year in which a school district reduces its~~
2 ~~instructional minutes or days to a level below the minutes or days~~
3 ~~provided in the previous school year, the school district shall not~~
4 ~~increase the salary of any teacher on the basis of years of training~~
5 ~~or years of experience. If the provisions of this subdivision are in~~
6 ~~conflict with the terms of a collective bargaining agreement in~~
7 ~~effect on or before January 1, 2012, the provisions of this~~
8 ~~subdivision shall govern the employees subject to that agreement~~
9 ~~upon the expiration of the agreement.~~

10 ~~SEC. 2. Section 45032 of the Education Code is amended to~~
11 ~~read:~~

12 ~~45032. Except as specified in subdivision (f) of Section 45028,~~
13 ~~the governing board of a school district may at any time during~~
14 ~~any school year increase the salaries of persons employed by the~~
15 ~~district in positions requiring certification qualifications, and this~~
16 ~~increase shall be effective on any date ordered by the governing~~
17 ~~board.~~